

Take Over Tenancy

1. If Tenant of a rental flat is deceased, his / her spouse who is listed on the tenancy and residing in the flat regularly and continuously can apply to take over tenancy.
2. If the Tenant has no spouse listed on the tenancy, in general, listed member on the tenancy living in flat can apply to be the new Tenant according to the sequence below and the other household members have to undertake to delete their names from the tenancy and move out when they are not residing in the flat continuously or get married:
 - (i) A married adult child whose spouse and / or child(ren) has / have been listed on the tenancy;
 - (ii) An aged 18 or above Tenant's child who is listed on the tenancy;
 - (iii) An aged 18 or above Tenant's sibling who is listed on the tenancy;
 - (iv) An aged 18 or above household member who is listed on the tenancy.

If name deletion and / or addition of household member is involved during take over tenancy, the Hong Kong Housing Society (HKHS) will consider / process the case in conjunction with relevant tenancy policies.

3. If the couple is divorced, HS will consider Tenant's ex-spouse to take over tenancy provided that the Tenant agrees to give up the tenancy and his / her ex-spouse fulfills the eligibility criteria'. However, splitting of household will not be considered.
4. All new tenancy agreements commencing on or after 1 April 2024 will include "Well-off Tenants Policy" clauses.

5. Eligibility Criteria

- (i) Applicant and all household members listed on the application form do not have "Ownership of Domestic Property in Hong Kong"^{Note 1}; and
 - (ii) The above household members are not listed in any kind of subsidized housing schemes; and
 - (iii) The above household members have to pass the 'Comprehensive Means Test (CMT)^{Note 2} (including income and assets, refer to Appendix 1)
 - The following households could be exempted from the CMT:
 - a. spouse^{Note 3} of the ex-Tenant;
 - b. all household members are aged 60 or above;
 - c. all household members are receiving Comprehensive Social Security Assistance;
 - d. all household members are receiving Disability Allowance from the Social Welfare Department (SWD);
 - e. all household members in different combinations of (b), (c) and / or (d).
 - If a household has household member(s) receiving Disability Allowance from the SWD who passes the DPT but fails in the CMT, this household can apply to continue living in the rental flat. If the tenancy agreement signed by ex-Tenant has the clauses relating to WTP, this household has to pay differential rent according to the household income level.
6. Applicant should complete the application form for take over tenancy and return it to Estate Office with relevant supporting documents (e.g. death certificate) on or before the specified date.

7. Apart from those exempted from the CMT mentioned in item 5(iii), the applicant and all household member(s) aged 18 or above listed on the application form are required to take oath in accordance with the provisions of the 'Oaths and Declarations Ordinance' on their income, assets and related application documents. A person who knowingly or willfully provides false statement or withholds any information by deception commits a criminal offence. The applicant and all household members are liable for prosecution. In addition, the HKHS will serve a "Notice to Quit" to the household concerned. The applicant and all household members are required to vacate and return the existing rental flat to the HKHS.
8. A new tenancy will be granted to the household which fulfils the eligibility criteria listed in Item 5 and in which all household members should reside in the rental flat continuously. However, if the household does not meet the occupancy requirement of the concerned flat (i.e. the flat is under-occupied), the household will be put on the transfer waiting list for a suitably-sized flat. If the household refuses 3 times of offer, 'Notice to Quit' (NTQ) will be served. The household is required to vacate and return the existing rental flat to the HKHS.
9. After commencement of the new tenancy include "Well-off Tenants Policy" clauses, households are required to make a declaration biennially so as to assess their eligibility to continue renting the rental flat and the corresponding rent^{Note 4} level to be paid (if applicable).
 - (i) Applicable to applicant with ex-tenant's tenancy agreement without "Well-off Tenants Policy" clauses

The new tenancy agreements include "Well-off Tenants Policy" clauses. For further information about the "Well-off Tenants Policy" and declaration cycle, please refer to the "Well-off Tenants Policy" under the Tenancy Policies section.
 - (ii) Applicable to applicant with ex-tenant's tenancy agreement with "Well-off Tenants Policy" clauses

Applicant is spouse of ex-tenant
After the commencement of the new tenancy, households are required to make a declaration in the next declaration cycle (in April) to assess their eligibility to continue renting the rental flat and the corresponding rent level to be paid.

Applicant is non-spouse of ex-tenant
After the commencement of the new tenancy, households are required to pay corresponding rent level depending on the income level of assessment result of taking over tenancy.
10. (i) If a household has domestic property ownership in Hong Kong, or household income exceeds 5 times the HKHS' prevailing application Waiting List Income Limit (WLIL) of the rental estates; or total net household assets exceed 100 times the HS' prevailing application WLIL of the rental estates; or refuses to declare income / assets / domestic property ownership in Hong Kong; or is listed in any kind of subsidized housing schemes; or does not submit supporting documents within 6 weeks from the letter of HKHS or does not take oath within the prescribed period, HKHS will serve NTQ to the household and the household is required to vacate and return the existing rental flat to the HKHS. If they do not agree with the decision, the applicant may appeal to the Appeal Panel within 15 calendar days after the date on which the NTQ has been issued. The appeal shall be made in writing stating the grounds of the appeal.

- (ii) If the above household has housing need, they can apply for “Fixed Term Licence” within 15 calendar days after the date on which the NTQ has been issued. Please note that the “Fixed Term Licence” will not exceed 4 months counting from the following date of the expiry of the NTQ. During the Licence period, they have to pay a licence fee and upon its expiry, the HKHS will not reassess their eligibility. The applicant and all household members are required to vacate and return the existing rental flat to the HKHS.

Note 1: (i) Definition of “Ownership of Domestic Property in Hong Kong”:

- (a) Owned or co-owned or have an interest in any domestic property in Hong Kong; or*
 - (b) Entered into any agreement (including provisional agreement) to purchase any domestic property in Hong Kong; or*
 - (c) Owned more than 50% of the shares in a company which directly or through a subsidiary company owned any domestic property in Hong Kong; or*
 - (d) Been a beneficiary of the estate of any deceased person which includes any domestic property or land in Hong Kong.*
- (ii) If the applicant and / or his / her household member(s) not wholly assign any domestic properties in Hong Kong or any interest in such properties in Hong Kong (the date of assignment means the date of execution of the Deed of Assignment).*
- (iii) ‘Domestic property’ includes any domestic property, uncompleted private domestic property, rooftop structure approved by the Building Authority, domestic building lots and small house grants approved by the Lands Department in Hong Kong.*

Note 2: ‘Comprehensive Means Test’ means the total household income does not exceed 5 times the HS’ prevailing application Waiting List Income Limit (WLIL) of the rental estates or the total net household assets do not exceed 100 times the HS’ prevailing application WLIL of the rental estates.

Note 3: Ex-spouse who is granted the “Decree Absolute” from the Court, will not be exempted from Comprehensive Means Test.

Note 4: The rent of some rental flats does not include rates. Tenant should refer to the “Demand Note” for the actual payable amount.

Enquiries

The above information is for reference only. For details, please contact HKHS’ Estate Office for assistance.

Last Review Date: 04/2024

Income and Asset Limits of Comprehensive Means Test (with effect from 1 April 2024)Group A Rental Estate

No of persons	Maximum total monthly household income limit (\$) <i>5 times of prevailing Group A Rental Estate Waiting List Income Limit</i> <i>(Household has to return flat if the household income exceeds the below limit)</i>	Maximum total net household asset limit (\$) <i>100 times of prevailing Group A Rental Estate Waiting List Income Limit</i> <i>(Household has to return flat if the household income exceeds the below limit)</i>
1	64,700	1,294,000*
2	98,650	1,973,000*
3	123,700	2,474,000*
4	154,750	3,095,000
5	188,700	3,774,000
6	223,100	4,462,000
7	244,850	4,897,000
8	273,850	5,477,000
9	302,150	6,043,000
10 or above	329,750	6,595,000

Group B Rental Estate

No of persons	Maximum total monthly household income limit (\$) <i>5 times of prevailing Group B Rental Estate Waiting List Income Limit</i> <i>(Household has to return flat if the household income exceeds the below limit)</i>	Maximum total net household asset limit (\$) <i>100 times of prevailing Group B Rental Estate Waiting List Income Limit</i> <i>(Household has to return flat if the household income exceeds the below limit)</i>
1	98,650	1,973,000*
2	154,750	3,095,000*
3	188,700	3,774,000*
4	244,850	4,897,000
5 or above	302,150	6,043,000

* The net asset limit for small households at sizes of 1-person to 3-person with all members aged over 55 are the same as that of a 4-person household.